

REVISED NOTICE
**NOTICE OF POST-HEARING MODIFICATIONS TO TEXT OF PROPOSED
REGULATIONS
TO
BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2001 CALIFORNIA BUILDING CODE (CBC)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2
(DISABLED ACCESS TO MULTISTORY DWELLINGS)**

The California Building Standards Commission (CBSC) on behalf of the Department of Housing and Community Development (HCD) is providing notice of the changes made to proposed regulations, Sections 1102A.3-C, 1105A.2 and 1107A.5, which were the subject of a written comment period only. These changes are in response to comments received during the initial 45-day public comment period which began on June 17, 2005 and was extended to September 12, 2005.

The CBSC will accept written comments for at least 15-days between November 14, 2005 and December 6, 2005. All written comments must be submitted to the CBSC no later than 5:00 p.m. on December 6, 2005 and addressed to:

**California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Stanley T. Nishimura, Executive Director**

Written comments may also be faxed to (916) 263-0959 or e-mailed to CBSC@dgs.ca.gov until 5:00 p.m. on December 6, 2005.

All written comments received by November 29, 2005 which pertain to the indicated changes will be reviewed and responded to by HCD's staff as part of the compilation of the rulemaking file. Please limit comments to the modifications to the text only.

**EXPRESS TERMS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING PROPOSED CHANGES TO THE
2001 CALIFORNIA BUILDING CODE (CBC)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2
(DISABLED ACCESS TO MULTISTORY DWELLINGS)**

Legend for Express Terms:

1. **California amendment (CA) brought forward without modification:** *All language will appear in italics.*
 2. **California amendment (CA) brought forward with modification:** *All language will appear in italics, modified language is shown underlined.*
 3. **New CBC language with new California amendment (CA):** CBC language shown in normal Arial 9 pt. California amendments to CBC text is shown underlined and in italics.
 4. **New California amendment (CA):** *California language will appear underlined and in italics.*
 5. **Repealed text:** Shown as ~~Strikeout~~.
 6. **Amended, adopted or repealed language:** Amended, adopted, or repealed language will appear in double underline and ~~double-strikeout~~.
 7. **Notation:** Authority and reference citations are provided at the end of each chapter.
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CHAPTER 11A HOUSING ACCESSIBILITY

SECTION 1102A [FOR HCD 1/AC] — DEFINITIONS

1102A.3-C

CARRIAGE UNIT. A dwelling unit with living space on one or more floors immediately above a Group U, Division 1, private garage or garages which serves only that unit. The footprint of the garage or garages is used as the footprint for the remaining floor or floors of the dwelling units above and the garage level contains no habitable space.

NOTE: Dwelling units located over a common garage shall not be considered carriage units.

Recommendation: Clarify the meaning of garage and the use of the garage.

Rationale: The revised text clarifies that the floor area of a carriage unit may extend over the footprint of a private garage used or assigned to another carriage unit in the building as long as the footprint of the carriage unit is within the footprint of the garage or garages.

1105A.2 [FOR HCD 1/AC] Multistory Dwellings.

1105A.2.1 [FOR HCD 1/AC] Multistory Apartment or Condominium Dwellings in Buildings with No Elevator. This section shall apply to multistory dwelling units on the ground floor of buildings without elevators for which an application for a construction permit is submitted on or after July 1, 2005.

EXCEPTION: Carriage units as defined in Section 1102A.3-C and regulated only by the Department of Housing and Community Development as referenced in Section 101.17.9.1.

A minimum At least ten percent, but not less than one of the multistory dwelling units in apartment buildings with 3 or more dwelling units or condominiums with 4 or more dwelling units, located in buildings without an elevator, shall comply with the following:

1. The primary entry to the dwelling unit shall be on an accessible route unless exempted by site impracticality tests in Section 1119A.
2. At least one powder room or bathroom shall be located on the primary entry level served by an accessible route and shall comply with the provisions of Section 1109A.
3. All rooms or spaces located on the primary entry level shall be served by an accessible route and shall comply with the provisions in this chapter. Rooms and spaces located on the primary entry level and subject to this chapter may include but are not limited to kitchens, powder rooms, bathrooms, living rooms, bedrooms, or hallways.
4. Common use areas covered by this section shall be accessible as required by this chapter. Public use areas as defined in Chapter 2, Chapter 11A, and Chapter 11B of this code are subject to provisions of the Division of the State Architect (DSA/AC) and are referenced in Section 101.17.11.

The minimum number of multifamily dwelling units which must comply with this section shall be calculated using the total number of all multistory dwelling units in buildings on a site which are subject to this section. Any fraction thereof shall be rounded to the next highest whole number.

Recommendation: Clarify the type of multistory dwellings covered by this section.

Rationale: The added text clarifies the intent of law. Senate Bill 1025 amended the definition of discrimination contained in Government Code Section 12955.1 regarding “multistory dwelling units in buildings without an elevator that consist of at least four condominium dwelling units or at least three rental apartment dwelling units”. This revision provides specificity needed by the user to properly identify which types of multistory dwellings are covered by this section.

Recommendation: Replace “A minimum” with “at least.”

Rationale: The revised text is more consistent with model code text format.

Recommendation: Remove the text “located in buildings without an elevator”.

Rationale: The removed text was duplicative and added confusion to the section. The Section heading clarifies that this section only applies to buildings without an elevator.

Recommendation: Add specific text to inform users that common use areas serving units covered by this section must also comply with the access provisions of Chapter 11A.

Rationale: The added text clarifies the intent of law. Senate Bill 1025 amended Government Code Section 12955.1 and required access to specific types of multistory dwellings. In addition to access provisions for the dwelling units themselves, the public and common use areas serving those units are required to be accessible and usable. This revision draws attention to common use and public use areas serving these types of dwellings.

1107A.5 [For HCD 1/AC] Ground Floors Above Grade. *When the first floor containing one or more covered dwelling units is a floor above grade, all units must be served by an accessible route.*

EXCEPTION: ~~In multistory dwelling units, i.e., townhouse-type construction, access is not required for buildings without elevators. In multistory dwelling units in buildings with elevators, the story of the unit that is served by the building elevator is the primary entry to the unit. The primary floor shall contain a bathroom or powder room usable to a person in a wheelchair. Carriage units as defined in Section 1102A.3-C and regulated only by the Department of Housing and Community Development as referenced in Section 1101A.17.9.1.~~

Multistory dwellings units shall comply with Section 1105A.2.

Recommendation: Add the word “only”.

Rationale: The Department of Housing and Community Development has worked closely with the Division of the State Architect during the development of these regulations. To provide further clarity and delineate the separation between privately funded and publicly funded projects which can have substantially different access requirements. The word “only” has been added to further specify the application of the exception for carriage units.

Authority: Section 17921, Health and Safety Code; and Section 12955.1, Government Code. Reference: Sections 12955.1 and 12955.1.1, Government Code.